

July 7, 2021

VIA EMAIL ONLY

Ms. Leslie Huhn, Township Manager
Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem, PA. 18015
manager@lowersaucontownship.org

Dear Ms. Huhn:

Thank you for forwarding correspondence from Ms. Victoria Opthof-Cordaro concerning response to odor complaints by the Department of Environmental Protection ("DEP") and your interest in DEP's handling of odor complaints surrounding Bethlehem Landfill Company.

The DEP recognizes that Bethlehem Landfill Company at times causes odors, which may be detected off the landfill property and cause inconvenience to citizens that live near or travel in the vicinity of the landfill. Therefore, DEP regulations require landfill operators to minimize and control odors. Landfill odors can result from a number of things including, daily operations (i.e. unloading trucks, waste placement, nuisance loads, etc.), landfill maintenance (i.e. leachate seep repair, etc.), and "landfill gas" generated through the decomposition of waste. DEP regulations require landfill operators to have a nuisance minimization control plan which addresses practices the operator will utilize to minimize and limit the potential for odors.

The DEP continues to investigate odor complaints and potential sources of odor surrounding Bethlehem Landfill Company. These investigations of odor complaints and inspections of Bethlehem Landfill Company are documented in reports which are provided to Lower Saucon Township. If an odor cannot be determined to meet the threshold of a "malodor" and the source of the odor cannot conclusively be traced to a source or operational failure at the landfill, the DEP cannot conclude that Bethlehem Landfill Company is in violation.

If a complainant is experiencing odors at their residence and is available to confirm the presence of an odor with the DEP, an investigator may be dispatched after consideration of the information provided by the complainant(s). Otherwise the complaint will be logged and responded to in the normal course of business.

An odor that interferes with the reasonable enjoyment of a complainant's property could meet the definition of a "malodor" in the Department's regulations. The Department's regulations prohibit a landfill from causing malodors. In order for an odor to be a malodor, it must cause an annoyance and discomfort to the public and must be an odor that the DEP determines to be objectionable to the public. It is necessary for the DEP to meet with the public during a malodor investigation in order to satisfy the requirements of a malodor determination.

- S**
- ROUTING**
- Council
 - Manager
 - Asst. Mgr.
 - Zoning
 - Finance
 - Police
 - P. Works
 - P/C
 - P & R
 - EAC
 - Engineer
 - Solicitor
 - Planner
 - Landfill
 - EMC
- weber*

Northeast Regional Office
2 Public Square | Wilkes-Barre, PA 18701-1915 | 570.826.2201 | Fax 570.826.2357 | www.dep.pa.gov

EXHIBIT

BLC 113

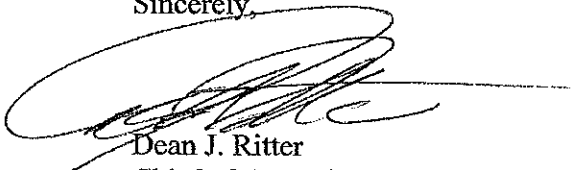
The purpose of meeting with a complainant at their residence is to determine if the odor is interfering with the reasonable enjoyment of the complainant's property which is a more serious impact than an offsite odor that may be experienced more sporadically or of a lesser duration, such as those that might be noticed while driving in the vicinity of the landfill.

Not all odors meet the threshold of a malodor. However, odors may be indicative of other operational violations at Bethlehem Landfill Company. As a result, the DEP routinely inspects the landfill and conducts odor investigations. In this regard, please understand that DEP odor investigations are conducted to confirm that an offsite odor exists and determine whether the odor relates to the landfill. The DEP investigation also includes a determination of the character, duration, and intensity of the odor, and potential impact to the public if the complainant is available. If the DEP cannot make a malodor determination, it is possible that an investigation of landfill operations may reveal operational problems or violations that may have led to an offsite odor.

The DEP does investigate all complaints concerning public nuisances such as odors. Odor complaints should be directed to DEP's Complaint Hotline at 1-866-255-5158 (Press 2 to avoid menus and be directed to the NE-DEP Complaint Representative/Answering Service) for review by the DEP in order to determine whether an immediate response is warranted.

Please be advised that all complaints are responded to on a case-by-case basis after careful consideration. It is important to DEP that complaints regarding all odors that may be related to landfill operations be reported. The DEP makes every effort to respond as timely as possible.

Sincerely,



Dean J. Ritter
Chief of Compliance Monitoring & Enforcement
Waste Management Program

ecc: Ms. Victoria Opthof-Cordaro victoriaopthof@yahoo.com
Astor A. Lawson, Bethlehem Landfill Co. D.M. Astor.Lawson@WasteConnections.com

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Victoria Opthof-Cordaro
1682 Woodfield Drive
Bethlehem PA 18015
(610) 554-7500
victoriaopthof@yahoo.com

May 24, 2021

Sent via email only to:
manager@lowersaucontownship.org

Lower Saucon Township
3700 Old Philadelphia Pike
Bethlehem PA 18015

Attention: Leslie Huhn, Landfill Committee, and Council

RE: Landfill odor complaint reporting process

Dear Ms. Huhn, Landfill Committee, and Council:

I had the pleasure of attending the landfill committee meeting on May 20, 2021, whereat the committee and residents discussed the Bethlehem Landfill Odor Complaint Log from the PADEP for the period of January 1, 2021 through March 31, 2021. Of concern was the reported response time from the DEP on odor complaints. As indicated on the log, the following is reported:

1/28/21 Applebutter road ---- initial DEP response 2/4/21
2/10/21 Applebutter road ---- initial DEP response 3/4/21
3/2/21 Applebutter road ---- initial DEP response 3/4/21
3/31/21 Saucon Ave, steel city ---- initial DEP response 4/8/21

At the meeting I raised the concern that the response time from the DEP is not timely to address the odor complaints as they occurred. This report substantiates the complaints raised by residents at council meetings and committee meetings that odor complaints are not being addressed timely. Response to odor complaints has been a long-standing complaint by those that live near and around the landfill. Landfill representatives acknowledged the DEP is likely understaffed and the response time is not acceptable to investigate the odor complaints received. While the DEP must be notified in order for enforcement from the DEP to occur, the DEP response time does not timely address the odors as they impact the residents and community in real time. Everyone on the meeting was in agreement with this fact.

As a result, I suggested that the landfill committee look into an additional reporting mechanism which would trigger landfill representatives and township engineers to address the complaints quicker than the response from the DEP. At this time the committee indicated the only other remedy residents have is to call landfill staff on their cell phone.

I suggested there be a chain reaction whereby a complaint received from one party would trigger additional reports and investigations from other interested parties, like the landfill and township engineer. Residents have in the past and are still leery (whether right or wrong) of simply calling the landfill as there is (perceived or real) a sense that the landfill will not address the issue and is biased given the complaint is concerning their property. There is also no requirement that the

landfill inform the township or the DEP of a complaint. Given the history of this issue I think it is only fair that the committee and council objectively investigate how an odor complaint can be more timely addressed.

I suggest the township request the DEP notify township when an odor complaint is logged. This would then trigger the township manager or other staff to contact township engineering staff who would then send someone to investigate as soon as possible. The landfill would also be notified and be invited to participate in the investigation. At this time the township has not requested the DEP notify the township of complaints received.

I also suggested the township inform residents they have the option to call or email an odor complaint to the township. Once the township receives the complaint, it can request township engineers respond to the complaint. In addition, if the township receives a complaint from a resident, the township can follow up with the resident to see if the odor complaint was lodged with the DEP, and if not, report the complaint to the DEP (so DEP specific enforcement can occur). If the landfill receives a complaint from a resident, the township can require the landfill to report the complaint to the township, which would trigger township engineering response, and also follow up to assure the complaint was logged with the DEP.

This additional reporting mechanism would go a long way to provide assurance to township residents that the odor complaints are taken seriously and responded to by the township and landfill in a timely fashion. In addition, township investigation materials can be shared with the DEP to further their investigation and enforcement.

I am hopeful this letter provides clarification to the committee and councilman Carocci as to the nature of my request. I am happy to work with the committee and township on this mechanism for a proposal to council. I look forward to discussing this at the next council meeting.

Thank you for your kind consideration in this matter.

Very truly yours,

Victoria Opthof-Cordaro